

REMARKS

Claims 1-25 are pending in the present application. Claims 1, 6, 7, 9-13, 18, 19 and 21-25 have been amended herewith. Reconsideration of the claims is respectfully requested.

I. 35 U.S.C. § 103, Obviousness

The Examiner rejected Claims 1-25 under 35 U.S.C. § 103 as being unpatentable over Williams (U.S. Patent No. 6,304,973 B1) in view of Frezza et al. (U.S. Patent No. 4,638,356). This rejection is respectfully traversed.

With respect to Claim 1, Applicants initially show that the references have been improperly combined using hindsight analysis. It is error to reconstruct the patentee's claimed invention from the prior art by using the patentee's claims as a "blueprint". When prior art references require selective combination to render obvious a subsequent invention, there must be some reason for the combination other than the hindsight obtained from the invention itself. *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 227 USPQ 543 (Fed. Cir. 1985). Because of the encryption technique described by Williams when exchanging messages between hosts, and the resulting requirement for encryption key exchange between the hosts *prior to* host message communication (Williams col. 20, lines 64-67; col. 21, lines 6-8), there would have been no motivation to also include a key as part of the message/packet, as transmitting a key along with the encrypted messages as taught by Williams would effectively defeat the entire purpose of Williams. Specifically, if a key was sent with the encrypted message, a network snoopers (Williams Col. 7, lines 50-55) could capture the key/encrypted message and use such key to decrypt the accompanying message. Alternatively, if the key were not a key used as part of the encryption/decryption, there would be no reason to include such a key with the message as it would have no other purpose, and would degrade system performance by transmitting superfluous information. This establishes that there would have been no motivation to selectively combine the teachings of the cited references other than the motivation coming from the present patent application, which is improper hindsight analysis.

Applicants further traverse the rejection of Claim 1 by showing that such claim has been amended to recite the network environment that the claimed node is operational with - a multi-partitioned network. Specifically, Claim 1 now recites "wherein the first key is a partition key associated with a particular partition of a multi-partitioned network having a plurality of partitions, and is used such that the node can determine which of the partitions of the multi-partitioned network can access the node". Such multi-partitioning network advantageously provides an ability to segregate and selectively share devices, where some devices are private to a given node and others are shared between nodes (Specification page 23, lines 1-4). The claimed partition key advantageously provides an ability to determine which partitions can access a given node, as well as enable such segregation and selective sharing of devices in the multi-partitioning network. In contrast, the key allegedly taught by the cited Frezza reference as being stored in the header of network traffic is a frame verifier, and merely provides whether the frame itself is valid or not (Frezza col. 7, lines 7-10; col. 6, lines 45-58). Thus, the amendment to Claim 1 is shown to have overcome the obviousness rejection.

Applicants initially traverse the rejection of Claims 2-9 for reasons given above regarding Claim 1 (of which Claims 2-9 depend upon).

Further with respect to Claims 5 and 6, none of the cited references teach or suggest the claimed features of "incrementing a counter source if the first key does not match the second key" (Claim 5) or "wherein the selected event occurs when the counter exceeds a threshold value" (Claim 6). In rejecting Claim 5, the Examiner cites Williams as teaching incrementing a source counter if the first key does not match the second key. Applicants initially show that since Williams does not teach any type of key matching, it therefore cannot teach incrementing a counter responsive to a key mismatch determination. In addition, the passages cited by the Examiner make no mention of any type of counter. Per Williams at Col. 18, lines 23-27, "security occurrences" are (1) displayed as real time alarms and (2) added to an audit log. Neither of these steps provides any sort of counting operation by a counter. As to Claim 6, the Examiner cites the same Williams passage used in rejecting Claim 5. As this passage does not teach any type of counter or counting, it similarly follows that there is no threshold value that when the counter exceeds such threshold value, the selected event occurs. Thus, it is shown

that Claims 5 and 6 are further shown to have been erroneously rejected as there are further missing claimed elements not taught or suggested by the cited references.

Further with respect to Claim 7, Applicants have amended such claim to further define features of the multi-partitioned network, and in particular an ability to have devices being either private to a node or shared with one or more partitions. This advantageously provides an ability to segregate and selectively share devices, where some devices are private to a given node and others are shared between nodes (Specification page 23, lines 1-4). Therefore, amended Claim 7 is shown to not be obvious in view of the cited references.

With respect to Claim 10 (and dependent Claim 11), 12, 13 (and dependent Claims 14-21), 22 (and dependent Claim 23), 24 and 25, Applicants traverse for similar reasons to those given above regarding Claim 1.

Applicants further traverse the rejection of Claims 17 and 18 for further reasons given above with respect to Claims 5 and 6.

Applicants further traverse the rejection of Claim 19 for further reasons given above with respect to Claim 7.

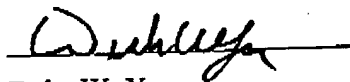
Therefore, the rejection of Claims 1-25 under 35 U.S.C. § 103 has been overcome.

II. Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: 7/28/04

Respectfully submitted,



Duke W. Yee
Reg. No. 34,285
Wayne P. Bailey
Reg. No. 34,289
Yee & Associates, P.C.
P.O. Box 802333
Dallas, TX 75380
(972) 367-2001
Attorneys for Applicants